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Planning Commission Date: July 9, 2003

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: 6-27-03

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TITLE: MINOR TENTATIVE PARCEL MAP NO. P-MI2003-2

Proposal: A request for a minor tentative parcel map to convert three buildings to condominium ownership at 835, 790 and 875 Yosemite Way, located in Yosemite Business Park - zoned M2, Heavy Industrial.

Location: 790, 835 and 875 Yosemite Way (APN's 86-31-068, -064 and -067)

RECOMMENDATION: Approval with conditions

Applicant: Standard Industries LLC, c/o WP Investments, Attn: David Denton, 2101 Woodside Road, Woodside, CA 94062

Property Owner: Standard Industries LLC, c/o WP Investments, Attn: David Denton, 2101 Woodside Road, Woodside, CA 94062

Previous Action(s): "S" Zone approval and amendments, major subdivision tentative map, use permits

Environmental Info: Exempt

General Plan Designation: Manufacturing and Warehousing

Present Zoning: Industrial Park

Existing Land Use: Industrial business park

Agenda Sent To: Applicant/property owner (noted above)
Contractor (Steve Calcagno, Kier & Wright, 1233 Quarry Lane, Suite 145, Pleasanton, CA 94566)

Attachments: Tentative parcel map, letter from applicant dated May 5, 2003

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PJ No. 3117

BACKGROUND

On July 26, 2000, the Planning Commission granted "S" Zone approval and approved EIA No. 748, for a six building, industrial/R&D campus development. Subsequent approvals by the Planning Commission occurred on January 24, 2001, for a major subdivision tentative map to create a separate lot for each of the six buildings, on April 23, 2001 for a Floor Area Ratio (FAR) exceedance and a parking reduction, and on June 27, 2001 for Use Permit No. 1599 and an "S" Zone amendment for two monument signs.

Site Description

The six-building Yosemite Business Park is a ±10.1 acre development located at the southwest corner of Yosemite Drive and Sinclair Frontage Road. The I-680 freeway lies to the east, N. Milpitas Blvd. is to the west, Montague Expressway is further south and E. Calaveras Blvd. lies to the north. The surrounding land use is heavy industrial and adjacent developments include manufacturing and warehousing facilities and offices. The three subject parcels are recorded as Parcel 1, 2 and 3 of the six-parcel development.

THE APPLICATION

The application is submitted pursuant to Chapter 1 (Subdivisions), Section 4.00 (Tentative Maps) of the Milpitas Municipal Code.

The applicant is requesting a tentative parcel map for condominium ownership purposes for three of the six Yosemite Business Park parcels. As indicated on the tentative parcel map, the interior spaces of the buildings located on parcels 1, 2 and 3 (APNs 86-31-068, 86-31-064 and 86-31-067) are proposed to be divided, creating two units (two parcels) in each building for individual sale. The new property lines will follow the building footprint of the buildings. These subdivisions apply only to the interior space of each building and no new subdivision of the existing legal lots is proposed. The land around the buildings where all the infrastructure and site improvements are located will be owned in common by the unit owners to serve the buildings.

Conformance with the General Plan

The proposed project does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment and promote business retention and encourages economic pursuits that strengthen and promote development through stability and balance. By creating condominium units within the buildings, the property owner is able to divide the interiors and sell them individually. This allows the potential for smaller businesses to locate in the area that cannot afford to purchase and maintain the entire property or lease a larger space.

Conformance with the Zoning Ordinance

The proposed project does not conflict with the Zoning Ordinance and is in conformance in terms of land use and development standards. No change in land use is proposed as part of the

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tentative parcel map and any future land uses would be subject to the permitted and conditional uses allowed in the Heavy Industrial (M2) District.

In regards to the development standards of the M2 district, the original Yosemite Business Park development, approved in 2000, was built in conformance with the standards of the M2 district, which have not changed since the approval. The tentative parcel map does not propose any new or modifications to the exterior of the existing development or the adjustment of existing lot lines. The proposed project only affects the interior space of the buildings by partitioning each building in half. Each unit will have its own entrance and interior space. Both units will share the parking, driveways, site access and other site amenities, which will be maintained by a property owner association and recorded as common areas. Since no changes would occur to the building exterior or site, the proposed project remains in compliance with development standards of the M2 district.

Conformance with the State Subdivision Map Act & Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously mentioned, the proposed Tentative Parcel Map is in conformance with General Plan.

Conformance with CEQA

The project is categorically exempt from further environmental review pursuant to Class 1, Section 15315 ("Minor Land Divisions) of the Environmental Quality Act (CEQA) guidelines. This section exempts such projects as the tentative parcel map for condominium purposes that involve the division of property in an urbanized area zoned for industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning Ordinance.

RECOMMENDATION

Close the Public Hearing. Approve Minor Tentative Parcel No. P-MI2003-2 based on the Findings and Recommended Special Conditions listed below:

FINDINGS

1. The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Implementing Policies 2.a-I-3 and 2.a-I-7, which provides for opportunities to expand employment and promote business retention and encourages economic pursuits that strengthen and promote development through stability and balance.
2. The proposed project, as conditioned, does not conflict with Zoning Ordinance in terms of land use and development standards. Since no change in land use or to the building exterior or site is proposed, the proposed project remains in compliance with development standards and uses of the M2 district.
3. The proposed project is consistent with the State Subdivision Map Act and the Subdivision Ordinance in that it conforms to the local ordinance, Milpitas General Plan.

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4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15315 ("Minor Land Divisions) of the State CEQA Guideline.

SPECIAL CONDITIONS

1. This approval is for Minor Tentative Parcel Map No. P-MI2003-2 to create two condominiums within each of the buildings located on parcels 86-31-068, 86-31-064 and 86-31-067, as depicted on the Tentative Parcel dated July 9, 2003, and as amended by the conditions of approval that following. (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. Prior to parcel map recordation, the applicant shall establish a property owner association. The association shall be responsible for the maintenance of the landscaping, walls, private street lights, private streets and common areas and facilities, and shall have assessment power. This information shall be clearly included in the Conditions, Covenants, and Restrictions (CC&R) and recorded documents. The CC&R document shall be submitted for review and approval by the City Engineer. (E)
4. Prior to parcel map recordation, the applicant shall prepare and submit condominium plans for City review. (E)
5. Prior to review of the parcel map, the applicant shall make the changes noted on Engineering Services Exhibit "T" (dated 6/17/03) and submit a Mylar of the revised tentative map to the Planning Division within three weeks of this tentative map approval. No application for the review of the parcel/condominium map or improvement plans will be accepted until this condition is satisfied. (E)
6. The parcel /condominiums map shall be recorded prior to issuance of any building permit. (E)

Planning Division = (P)

Engineering Division = (E)

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3241]

1. Applicable codes shall be 2001 CBC, CPC, CMC, CEC, California Energy Code, CFC and 2002 Milpitas Municipal Code.
2. Plans shall be prepared and designed by an engineer or architect licensed in the State of California.

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3. A preliminary meeting is available for code questions. Please contact Senior Plan Check Engineer, Keyvan Irannejad, for an appointment at (408) 586-3244.
4. Due to the new property line created within the buildings, each building shall comply with:
 - ❑ Allowable building area per 2001 CBC, Table 5B.
 - ❑ New perimeter walls at new property lines shall be fire-rated per 2001 CBC, Table 5A.
 - ❑ A parapet shall be provided per section 709.4 or comply with exceptions.
 - ❑ The applicant must provide the Building Division with a tenant layout in order to set-up multiple addresses, if building is multi-tenant.
 - ❑ Provide disconnecting means for each tenant where multiple tenancies occur. Branch circuits shall not be shared between tenants. Access and entrance to electrical equipment shall be on the exterior of the building or in interior public corridor leading directly to building exit per 2002 MMC, Section II-6-2.05.
 - ❑ Accessible route of travel shall be provided to all entrances and ground floor exits. Also from parking and from public street/bus stop to main entrance and between buildings in the same property as per 2001 CBC, Section 1127B.1.
 - ❑ For people with disabilities accessible parking shall be provided per 2001 CBC, Section 1129.B.1 and Table 11B-6. Accessible parking spaces shall be dispersed and located closest to the accessible entrances. One in every eight accessible parking spaces, but not less than one parking space shall be van accessible per Section 1129 B.4.2.

FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369]

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that apply for a building permit on or after November 1, 2002, and remains in effect until the effective date of the 2004 triennial edition.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.
3. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same access. Section 902.2.1.2, CFC as amended by Milpitas Municipal Code V-300-2.01.
4. Fire apparatus access road(s) shall not be obstructed in any manner and shall be maintained at all times. Section 902.2.4, CFC.
5. Existing fire hydrants on public streets are allowed to be considered as available. Existing hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. Appendix III-B, Section 4, CFC.
6. No parking is permitted in front of fire hydrants. Hydrants located on street (public or private) shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513

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- and California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. Sections 901.4.3 and 903.4.2, CFC.
7. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations, Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1, CFC.
 8. No approval is granted under this review for use or handling of hazardous materials.
 9. Alterations to the automatic fire sprinkler system and/or the fire detection system requires drawings to be submitted to the Fire Department for review and approval prior to alteration. Section 1001.3, CFC.
 10. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation/alteration. Sections 901.2.2 and 1001.3, CFC.



KIER & WRIGHT
Civil Engineers & Surveyors, Inc.

May 5, 2003
Job No. A00507-4

City of Milpitas
Planning Department
Attention: Kim Duncan
455 East Calaveras Blvd.
Milpitas, CA 95035-5411
FAX (408) 586-3293

RE: TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES –
YOSEMITE BUSINESS PARK, MILPITAS, CALIFORNIA

Dear Kim:

The proposed application for a tentative parcel map for condominium purposes covers three existing parcels within the Yosemite Business Park at Sinclair Frontage Road and Yosemite Drive.

The sole purpose for the proposed application is to allow for a commercial condominium conversion on three existing commercial concrete tilt-up buildings. These existing buildings were completed in 2002.

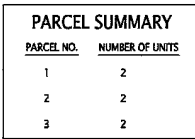
If you have any questions please feel free to give us a call.

Sincerely,
KIER & WRIGHT

Steve Calcagno, P.E.

SC/rl





CITY OF MILPITAS
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA



| | |
|--------------------------------|--|
| OWNER: | STANDARD INDUSTRIES 4801 ICHTLOPERIA CIRCLE FREMONT, CA 94538 |
| SUBDIVIDER: | WP INVESTMENTS 201 WOODBINE DRIVE FOOTBRIDGE, CA 94622 |
| ENGINEER: | KIERA WRIGHT 240 CHERRY LANE SUITE 104 PLEASANTON, CA 94666 |
| EXISTING USE: | INDUSTRIAL |
| PROPOSED USE: | INDUSTRIAL |
| WATER: | CITY OF ALHAMBRA |
| SEWERAGE: | CITY OF ALHAMBRA |
| STORM DRAINAGE: | CITY OF ALHAMBRA |
| GAS & ELECTRIC: | PG & E |
| TELEPHONE: | PACIFIC BELL |
| CABLE TV: | AT & T |
| EXISTING ZONING: | M-2 |
| PROPOSED ZONING: | M-2 |
| GROSS ACREAGE: | 6.0791 Acres |
| SMALLER LOT: | 1.012 Acres |
| DISTANCES ARE APPROXIMATE ONLY | |

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|---|---------------------------------|
| | BOUNDARY LINE |
| | EASEMENT LINE |
| P.S.U.E. | PUBLIC SERVICE UTILITY EASEMENT |
| P.S.D.E. | PRIVATE STORM DRAIN EASEMENT |
| M.A.E. | MUTUAL ACCESS EASEMENT |

| NO | REVISION | BY | NO | REVISION | BY |
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KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
(925) 249-6555
1233 Quarry Lane, Suite 145
Pleasanton, California 94566
Fax (925) 249-6563

TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES
 OF
 PARCELS 1, 3 & 6 ~ YOSEMITE BUSINESS PARK
 FOR
 MILPITAS, WP INVESTMENTS CALIFORNIA

| | |
|----------|-----------|
| DATE | MAY, 2003 |
| SCALE | 1" = 40' |
| DESIGNER | SMC |
| JOB NO. | ADD507-4 |
| SHEET | 1 |
| OF | 1 SHEETS |

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